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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 KENNETH SMITH
D-2 JAELYN SMITH
D-3 TROY LOWERY,

Defendants.

Case:2:21-cr-20140
Judge: Murphy, Stephen J.
MJ: Grand, David R.
Filed: 03-03-2021 At 03:48 PM
INDI USA V KENNETH SMITH, ET AL (LG
)

Violations:

18 U.S.C. §§ 922(a)(1)(A), 923(a), 924(a)(1)(D)
18 U.S.C. §§ 922(n), 924(a)(1)(D)
18 U.S.C. § 922(a)(6)
18 U.S.C. § 922(g)(1)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

18 U.S.C. §§ 922(a)(1)(A), 923(a), 924(a)(1)(D)

Engaging in the Business of Selling Firearms Without a License

D-1 Kenneth Smith

Between on or about December 10, 2020, to on or about January 4, 2021, in the Eastern District of Michigan, the defendant, Kenneth Smith, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms, in violation of 18 U.S.C. §§ 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWO

18 U.S.C. §§ 922(n), 924(a)(1)(D)

Illegal Receipt of a Firearm by a Person Under Indictment

D-1 Kenneth Smith

On or after August 13, 2020, in the Eastern District of Michigan, the defendant, Kenneth Smith, knowing that he was then under indictment for a crime punishable by a term of imprisonment exceeding one year, to wit: Felony – Unarmed Robbery and Weapons – Felony Firearm, did willfully receive a firearm, that is, a Glock, 19 X, 9mm, semi-automatic firearm, said firearm having been shipped and transported in interstate commerce; all in violation of 18 U.S.C. §§ 922(n) and 924(a)(1)(D).

COUNT THREE

18 U.S.C. §§ 922(n), 924(a)(1)(D)

Illegal Receipt of a Firearm by a Person Under Indictment

D-1 Kenneth Smith

On or after September 30, 2020, in the Eastern District of Michigan, the defendant, Kenneth Smith, knowing that he was then under indictment for a crime punishable by a term of imprisonment exceeding one year, to wit: Felony – Unarmed Robbery and Weapons – Felony Firearm, did willfully receive a firearm, that is, a Smith & Wesson, M&P, 9mm caliber, semi-automatic firearm, said firearm having

been shipped and transported in interstate commerce; all in violation of 18 U.S.C. §§ 922(n) and 924(a)(1)(D).

COUNT FOUR

18 U.S.C. §§ 922(n), 924(a)(1)(D)

Illegal Receipt of a Firearm by a Person Under Indictment

D-1 Kenneth Smith

On or after May 2, 2020, in the Eastern District of Michigan, the defendant, Kenneth Smith, knowing that he was then under indictment for a crime punishable by a term of imprisonment exceeding one year, to wit: Felony – Unarmed Robbery and Weapons – Felony Firearm, did willfully receive a firearm, that is, a Smith & Wesson, M&P, 9mm caliber, semi-automatic firearm, said firearm having been shipped and transported in interstate commerce; all in violation of 18 U.S.C. §§ 922(n) and 924(a)(1)(D).

COUNT FIVE

18 U.S.C. §§ 922(a)(6)

Making a False Statement During Purchase of a Firearm

D-2 Jaelyn Smith

On or about December 11, 2020, in the Eastern District of Michigan, defendant Jaelyn Smith, in connection with the acquisition of a firearm, that is, a Glock 29, 10mm semi-automatic pistol, from Action Impact, a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly

made a false and fictitious written statement to Action Impact, as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44 of Title 18, in that the Jaelyn Smith falsely represented that he was the “actual buyer” of said firearm on a Department of Justice, Bureau of Alcohol, Tobacco, and Firearms, and Explosives Form 4473, Firearms Transaction Record; in violation of 18 U.S.C. § 922(a)(6).

COUNT SIX

18 U.S.C. § 922(g)(1)

Felon in Possession of a Firearm

D-3 Troy Lowery

On or about January 4, 2021, in the Eastern District of Michigan, the defendant, Troy Lowery, knowing that he had previously been convicted of a crime punishable by a term exceeding one year, did knowingly possess a firearm, that is, a Glock, model 19, 9mm pistol, which had previously traveled in and affected interstate commerce; all in violation of 18 U.S.C. § 922(g)(1).

FORFEITURE ALLEGATIONS

18 U.S.C. § 924(d), 28 U.S.C. § 2461(c)

CRIMINAL FORFEITURE

The allegations contained in Counts One through Six of this Indictment are incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), upon conviction of the offenses in violation of 18 U.S.C. §§ 922 and 924 set forth in Counts One through Six of this Indictment, the convicted defendant(s) shall forfeit to the United States any firearms and ammunition involved in or used in the knowing commission of the offense(s).

THIS IS A TRUE BILL

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

SAIMA S. MOHSIN
Acting United States Attorney

MATTHEW A. ROTH
Chief, Major Crimes Unit

s/ Meghan Sweeney Bean
MEGHAN SWEENEY BEAN
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226-3211
(313) 226-0214
meghan.bean@usdoj.gov

Dated: March 3, 2021

United States District Court
Eastern District of Michigan

Criminal Case Cover Sheet

Case: 2:21-cr-20140
Judge: Murphy, Stephen J.
MJ: Grand, David R.
Filed: 03-03-2021 At 04:40 PM
INDI USA V KENNETH SMITH, ET AL (LG)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete the following information.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <u>MSD</u>

Case Title: USA v. D-1 Kenneth Smith, D-2 Jaelyn Smith, D-3 Troy Lowery

County where offense occurred : Wayne

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

☐ Indictment/ ☐ Information --- no prior complaint.

☒ Indictment/ ☐ Information --- based upon prior complaint [Case number: 21-mj-30015]

☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- ☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

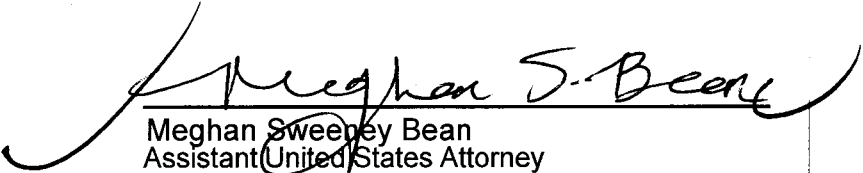
Charges

Prior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

March 3, 2021

Date


 Meghan Sweeney Bean
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277
 Phone: 313-226-0214
 Fax: 313-226-2372
 E-Mail address: Meghan.Bean@usdoj.gov
 Attorney Bar #: P80790

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.